

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 73936

Jeffrey M. Burton
P.O. Box 56
Kingsville, MD 21087

9023 Deviation Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on April 20, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 40-8B, failure to cease illegal rooming/boarding house on residential property zoned DR 5.5 known as 9023 Deviation Road, 21236.

On March 24, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Keith Parker issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

The following persons appeared for the Hearing and testified: Jerome Lee, President, Northgate Hall Community Association, Patrick Bridgett, neighbor and, Keith Parker, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for cases involving the zoning violation of illegal Rooming/Boarding House. BCC Section 3-6-205.

B. Inspector Keith Parker testified that he inspected this property after receiving a complaint from the Northgate Hall Community Association. The property owner has not responded to the County's notices and did not respond to the Interrogatories that were sent to him. The complaint was that this townhouse is being used as a two apartment unit, and rented to four adults who are not related. One couple has been observed using the front door, and the second couple has been observed using the basement sliding door to enter and leave the house. The property was registered for a Rental Housing License in November 2009. Neighbors identified the cars belonging to the occupants, and Inspector Parker obtained the car registration information, which matched the names provided by the neighbors.

C. Jerome Lee is President of the Northgate Hall Community Association. He testified that the Association received complaints from multiple neighbors. There are 249 homes in the neighborhood, which is a combination of townhomes and single family homes. This property is a townhouse on a corner lot. He further testified that the neighborhood association's investigation confirmed that there were four unrelated adults living in the house, and testified that he observed one couple using the front door and the other using the basement door. On August 27, 2009 the Association sent a letter to the property owner about the condition of the property, and he did not respond and he failed to correct most of the problems.

D. Patrick Bridget lives next door. He testified that the tenants upstairs have lived in the house for about 18-24 months. He testified that the second couple moved into the basement in February 2010. He further testified that he saw the second couple's household items being moved in, including kitchen appliances. He submitted responses to the County's rooming house questionnaire, with names and automobile registration information for the occupants.

E. Baltimore County's zoning regulations restrict the number of unrelated adults who can occupy a house for compensation. Because this is not the owner's domicile, the house can only be occupied by two unrelated adults absent a permit for a boarding- or rooming-house. BCZR Section 101.1; Section 408B. Based on the evidence presented, an illegal boardinghouse with more than two tenants has been operating at this location, and this Citation will therefore be enforced. Respondent must reduce the number of tenants to the permitted number, or face additional Citation with civil penalty.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 26th day of April 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer